समानता की सबसे बड़ी आवश्यकता है। तो यह जो बिल लाया गया है खेलों की मुख्य भावना के आधार पर लाया गया है। मेरे पास शब्द नहीं हैं कि मैं सरकार को, मंत्री जी को और प्रधान मंत्री जी को किन अल्फाज़ में धन्यवाद दूं। मुझे यह कहते हुए बड़ी खुशी है कि हमारी सरकार ने और हमारे प्रधान मंत्री जी ने जहां भी, किसी भी मुल्क में आजादी का सवाल आया है, चाहे वह काले-गोरे का सवाल हो, स्वतंत्रता का सवाल हो, रंग-भेद नीती का सवाल हो, आर्थिक-सामाजिक, दुनिया के किसी भी पहलू पर जहां पर मानव भेद और ना-बराबरी का सवाल उठा, हमारी सरकार ने उसका समर्थन किया है और उसके लिए संघर्ष छेड़ा है और मुझे यह कहते हुए बड़ी खुशी है, आप तो जा रहे हैं...

[उप सभापति पीठासीन हुई]

मुझे यह कहते हुए बड़ी खुशी है कि जब संयुक्त राष्ट्र संघ में यह मसला आया तो भारत ही ऐसा देश था जिसने इसे पहल दी और 100 से ज्यादा मुल्कों ने इसका समर्थन किया। तो जो हमारी बुनियादी नीती है खेलों के बारे में और खेलों का द्वारा जो बराबरी और समानता का शोषणमुक्त समाज बनाने का उद्देश्य है उसकी ओर ले जाने वाला यह बिल है और यह दुनिया के और देशों के लिए जहां यह कानून नहीं बन रहा है, जहां यह नियम नहीं लागू किए जा रहे हैं उनके लिए यह टार्च बिगरर का काम कर रहा है। जैसा कि मैं अभी कह रहा था कि यह बिल तो हमारी इंसानी बराबरी का है और खेलों में जब आदमी बराबर नहीं तो खेल कैसे खेलेंगे? अगर आप गौर से खेलों का रिज़ल्ट देखें तो जो काले मुल्कों के लोग हैं, यूरोपियन कंट्रीज़ में रहते हैं, वे जो गोरे रंग के मुल्क है, जो बड़े-बड़े मुल्क है उनमें से जो ज्यादा इनाम लेने वाले हैं वे काले रंग के और नीग्रो नस्ल के लोग हैं, लेकिन देश का फायदा जो होता है, नाम जो मिलता है वह सफेद खाल वालों को मिलता है। आप रिज़ल्ट देखें तो उसमें ज्यादातर लोग इनाम पाने वाले सब काले रंग के लोग हैं। यही नहीं अगर आप गौर से देखें यूरोप में या जहां-जहां फाइन-आर्टस है, कला है, पेंटिंग्स हैं, बाजा है, गाना है, जिसमें पावर एक्सीलेंस की जरूरत होती है, जिसमें क्वालिटीज़ के अच्छे गुणों की आवश्यकता होती है, अगर आप सारी दुनिया के लोगों का स्टडी करें तो सारे लोग काले रंग के ही मिलेंगे। तो जो खेल में ना-बराबरी करने वाले मुल्क हों, उनके साथ क्यों खेल खेलें, उनके पास क्यों अपनी टीम भेजें, क्यों उनके साथ हम अपना सरोकार रखें?

मुझे खुशी है कि जब यह अफ्रीका की आजादी का प्रन आया, अफ्रीकन सरकार के ऊपर जब आर्थिक बंधन लगाने का सवाल आया तो हमारी सरकार ने उस पर भी पहल की। पहल इसलिए की कि दुनिया के अंदर जहां सारे उपदेशों को, जीसस क्राइस्ट हों, महात्मा बुद्ध हों, मोहम्मद भगवान हों, जितनी महान विभूतियां हैं दुनिया को सुंदर बनाया है, मानवता की सीख दी है, उन्हीं के मानने वाले रंग-भेद करते हैं तो यह बात ठीक है कि वे उनको भी मानने वाले नहीं हैं। तो यह जो बिल लाए हैं, मुझे बड़ी खुशी है कि यह बिल हमारा जो रहन-सहन है, संस्कृति है, भाई-चारा है, यह उसकी पूरी झलक है। यह दुनिया के लिए एक दर्पण है और यह हमको मानकर चलना चाहिए कि खेलों में जो ना-बराबरी है वह नहीं चल सकती। तो यह जो बिल आया है, मैं इसका समर्थन करता हूं।

महोदया, यह बिल निष्ठुरता के खिलाफ है, अन्याय के खिलाफ है।

4.00 P.M.

उपसभापति : आप एक मिनट में खत्म कीजिए, 4 बजे दूसरा बिजनेस है।

श्री हरी सिंह : महोदया, मैं खेल मंत्री जी से केवल यही प्रार्थना करना चाहता हूं कि खेलों में एक खेल बाक्सिंग भी है जिसमें हिंसा होती है, खून बहता है, जान तक चली जाती है। माननीया मंत्री जी हिंसा के खिलाफ हैं, तो वे कृपा करके बॉक्सिंग पर प्रतिबंध लगाएं। बॉक्सिंग में निष्ठुरता है, हिंसा है। ऐसे खेलों को हमें समाप्त करना चाहिए और भारत सरकार को इसके लिए पहल करनी चाहिए। हमको बॉक्सिंग की टीम भी नहीं भेजनी चाहिए।

इन्हीं अल्फाज़ के साथ मैं इस बिल का समर्थन करता हूं और सरकार से आग्रह करता हूं कि बॉक्सिंग जैसे खेलों पर प्रतिबंध लगाने के लिए पहल करें। धन्यवाद।

SHORT DURATION DISCUSSION

Settlement Arrived at Between the Government of India and the Union Carbide Corporation Regarding Payment of Compensation to the Victims of the Bhopal Gas Tragedy.

श्री अटल बिहारी वाजपेयी (मध्य प्रदेश): महोदया, मैं भारत सरकार और यूनियन कारबाइड कारपोरेशन के बीच में...

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu): One minute, Madam. The question is *sub judice*. The case has been postponed. The orders were passed on 14th February but the Supreme Court has still retained decision over the matter and they have asked both the parties to report to the court on the 4th of April and the time fixed for payment by the Union Carbide is March 23rd. In case there are any problems about the payments, there might be further argument in the case. I would like to know when the matter is still *sub judice*, whether the discussion can be permitted and also whether in the course of the discussion, we can comment about Their Lordhips because a demand has been made for impeachment of Their Lordships. I would like to know whether these matters can be gone into.

THE DEPUTY CHAIRMAN: This Short Duration Discussion has been admitted by the Chairman and we are not passing any vote or it is not a any resolution. It is only a discussion regarding whatever has happened. So, I think, . . .*(Interruption)*. . .

SHRIMATI JAYANTHI NATARAJAN: I just want to know the scope of the discussion because the matter is still before the court. In case comments are made about the judiciary . . .*(Interruptions)*.

THE DEPUTY CHAIRMAN: As far as the discussion is concerned, we will go within our jurisdiction.

SHRIMATI JAYANTHI NATARAJAN: I would like to know whether we are allowed to comment on the judgement of Their Lordships in view of the fact that . . . *(Interruptions)*. . .

SHRI M. A. BABY (Kerala): Madam, it seems there are many advocates for the Union Carbide.

उपसभापति: मैं यह स्पष्ट कर देना चाहती हूं कि कोर्ट ने जो जजमेंट दिया है, उसके बारे में हम लोग को आक्षेप नहीं करेंगे। जो डिस्कशन हो रहा है यह कंपेंसेशन जो मिला है वह पूरा है या नहीं, इस बारे में जो लोगों की भावनाएं हैं उनके बारे में डिस्कशन होगा। कोर्ट ने जो जजमेंट दिया है, उसके बारे में कोई डिस्कशन नहीं होगा।

SHRI CHIMANBHAI MEHTA (Gujarat): We cannot make any imputation against the judges but we can discuss the judgement. *(Interruptions)*.

THE DEPUTY CHAIRMAN: There is no objection. She is a lawyer. She is thinking from that point of view and there is no objection if somebody is clearning here doubt if she has any and I can assure and I hope, on behalf of the House, we will have discussion to a certain standard. We will not put any comments which are derogatory towards the judiciary.

It is a matter of human life. *(Interruptions)*. Just a minute.

हजारों लोगों की जान का सवाल है, उनकी जिन्दगी का सवाल है। यह ऐसा मैटर नहीं है कि उस पर हाऊस में डिस्कशन पहले न हुआ हो। बहुत दफा हुआ है। मुझे उम्मीद है हमारे जो लोग इसमें भाग लेंगे वह उसकी गरिमा को देखते हुए उसकी सीरियसनैस को देखते हुए पालिटिकल लैवल से उठकर बात करेंगे इंसानियत को सामने रखते हुए।

श्री अटल बिहारी वाजपेयी: महोदया, आपने कहा हम पालिटिकल लैवल से ऊपर उठकर बात करें। जहां तक सीट का सवाल है सीट से उठ गया हूं और सीट से उठने के बाद पालिटिकल लैवल से उठकर...

उपसभापति : आप जहां सीट से खड़े हुए कि उसका लैवल ऊंचा हो जाता है।

श्री अटल बिहारी वाजपेयी : लैवल तो आपका ही ऊंचा रहेगा, हम तो नीचे ही रहेंगे।

महोदया, यूनियन कार्बाइड कारपोरेशन और सरकार के बीच में एक समझौता हुआ है। यह समझौता भोपाल गैस त्रासदी से प्रभावित लोगों के सम्बन्ध में है। उस पर हम चर्चा कर रहे हैं आज। यह फैसला 14 फरवरी को हुआ। 14 फरवरी, 1989 का दिन एक दुर्भाग्यपूर्ण दिन के रूप में याद किया जायेगा। यह दिन हमें याद दिलाता है 3 दिसम्बर 1984 का। उस दिन, यह कहना चाहिए 2-3 तारीख के बीच की रात एक बहुराष्ट्रीय कम्पनी द्वारा स्थापित कारखाना जहरीली गैस उगलने लगा जिसके परिणामस्वरूप भोपाल की सुन्दर नगरी एक गैस चैम्बर जैसा बन गया, हजारों लोग अकाल मृत्यु के शिकार हुए। हजारों अभी भी उस जहरीली गैस से पीड़ित हैं। बच्चे और औरतें उसके शिकार बने। यह दुर्घटना नहीं थी, कतलेआम था।

लेकिन 14 तारीख को अचानक 4 साल से चलती आने वाली कानूनी लड़ाई एक नाटकीय ढंग से और रहस्यमयी तरीके से समाप्त हो गयी यूनियन कार्बाइड और सरकार के बीच में कोर्ट के बाहर समझौता हो जाता तो यह बात अलग थी। विवादों में समझौते होते हैं। लेकिन समझौता समझौता होना चाहिए। यूनियन कार्बाइड के साथ जो समझौता हुआ वह समझौता नहीं है, वह समर्पण है। सरकार ने यूनियन कार्बाइड कारपोरेशन के सामने घुटने टेक दिये। राष्ट्रीय हितों के साथ समझौता किया है। पीड़ितों की पीड़ा पर नमक छिड़का है। इसमें सुप्रीम कोर्ट को बीच में लाने की क्या जरूरत थी। आप यूनियन कार्बाइड से समझौता कर लेते। यूनियन कार्बाइड एक चहेती बहुराष्ट्रीय संस्था है। उसके पीछे एक महाशक्ति खड़ी है। दुनियाभर में उसका जाल फैला हुआ है। हमारे राजनेता अमेरीका जाते हैं, उसका आतिथ्य स्वीकार करते हैं। भोपाल में उसका गेस्ट हाउस हमारे राजनेताओं के लिए आराम की जगह बनी हुई है। बड़ी पकड़ है यूनियन कार्बाइड की। बड़ी पहुंच है यूनियन कार्बाइड की। अदालत से बाहर आप समझौता कर लेते।

सुप्रीम कोर्ट में मामला गया था एन्टरिम कम्पनसेशन का। भोपाल के ट्रायल जज ने 350 करोड़ रुपया अंतरिम कंपनसेशन के रूप में दिये थे। लेकिन जब मामला हाई कोर्ट में गया तो उस 350 करोड़ को घटाकर 250 करोड़ कर दिया गया। भारत सरकार इसके खिलाफ सुप्रीम कोर्ट में अपील के तौर पर गई। सुप्रीम कोर्ट को तय करना था एंटरिम कंपनसेशन का मामला, अंतरिम क्षतिपूर्ति का मामला। लेकिन सुप्रीम कोर्ट ने अंतरिम के बजाय अंतिम फैसला कर दिया। सुप्रीम कोर्ट सुप्रीम है। संविधान के अन्तर्गत सुप्रीम है। लेकिन सुप्रीम कोर्ट की भी अपनी प्रक्रिया है। इस मुकदमें में कई दिनों तक सुनवाई होती रही। हमारे अटार्नी जनरल भारी भारी पोथियां खोलकर दिखाते रहे, पढ़ते रहे। ऐसा लगा कि मुकदमा अभी और चलेगा। लेकिन उस तारीख को हमारे न्यायमूर्ति भोजन के लिये उठे और जब लौटकर आये तो उन्होंने फैसला सुना दिया और फैसला यूनियन कार्बाइड ने भी मान लिया और भारत सरकार ने भी मान लिया।

SHRI MADAN BHATIA (Nominated): Madam, on a point of order. May I respectfully submit when the honourable Member started his speech he was perfectly within his rights but the last sentence which he uttered was a gross reflection on a judge of the Supreme Court and it must be expunged.

THE DEPUTY CHAIRMAN: What is that?

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): What did he say? It was a statement of fact.

(Interruptions)

THE DEPUTY CHAIRMAN: Whether somebody raised a valid point of order or not, if I cannot hear what he is saying, how am I going to give a ruling on that?

SHRI MADAN BHATIA: I am submitting to say that the honourable Member said, the judges rose for lunch and they came and the Chief Justice announced the judgement . . .

THE DEPUTY CHAIRMAN: There is no point of order.

SHRI MADAN BHATIA: It is a reflection on the conduct of the judiciary. it is a loaded insinuation.

THE DEPUTY CHAIRMAN: I don't think that there is any point of order. It is a statement of fact that the judge rose for lunch and he came back and he gave the order. That is very simple *(Interruptions)* Let us not find anything between the lines. If he says something objectionable, we are there to take note of it.

श्री अटल बिहारी वाजपेयी: महोदया, मैं अपना निशाना सरकार को बना रहा हूं। कटघरे में सरकार खड़ी है। इसीलिये प्रारम्भ में मैंने कहा था कि अगर यह फैसला कोर्ट के बाहर हो जाता तो ज्यादा अच्छा होता। हमें कोर्ट का उल्लेख करने की भी आवश्यकता नहीं पड़ती। मगर फैसला कोर्ट के सामने हुआ है। इसलिये इस बात का उल्लेख करना ज़रूरी है कि लगातार कई दिनों से जो सुनवाई चल रही थी उसका एक नाटकीय अंत हो गया। जब फैसला सुनाया गया तो सुप्रीम कोर्ट के सामने यूनियन कार्बाइड का चेहरा था और भारत सरकार का भी चेहरा था। यूनियन कार्बाइड के प्रवक्ताओं के चेहरे बड़े गोरे और कमनीय थे। भारत सरकार का चेहरा त्रिपुंडधारी अटार्नी जनरल का चेहरा था। दैदीप्य चेहरा था। मगर भोपाल गैस पीड़ितों का चेहरा सुप्रीम कोर्ट के सामने नहीं था। भोपाल के गैस पीड़ित का वह चेहरा सुप्रीम कोर्ट के सामने नहीं था जिसका सारा परिवार इस त्रासदी में खत्म हो गया, जिसकी जिंदगी मौत से भी बहतर हो गई है मैं जानता हूं हमारे मित्र कहेंगे कि भारत सरकार ने सभी गैस पीड़ितों की तरफ से प्रतिनिधित्व करने का अधिकार ले लिया था। एक अध्यादेश जारी कर दिया था, अध्यादेश को कानून का रूप दे दिया था, भारत सरकार माई-बाप बन गई थी, कर्ता-धर्ता, संहर्ता, मगर अभी तक जो तथ्य हमारे सामने आए हैं उनसे ऐसा भी पता नहीं चलता है कि भारत सरकार ने और भारत सरकार के प्रतिनिधि ने सुप्रीम कोर्ट में यह कहा हो कि समझौता हो रहा है, कुछ प्रस्ताव आए हैं, मुझे भोपाल के गैस पीड़ितों से सलाह करने का मौका चाहिये। हम नहीं जानते किस से सलाह की गई। दूसरी बात 705 करोड़ का यह आंकड़ा कैसे आया, सरकार ने यह आंकड़ा कैसे तय किया? 705 करोड़, 700 करोड़ क्यों नहीं?

श्री लाल कृष्ण आडवाणी (मध्य प्रदेश): यह कम्प्यूटर ने निकाला।

श्री अटल बिहारी वाजपेयी : 750 करोड़ क्यों नहीं? यह 705, पांच और सांच और आंच,

श्री पर्वतनेनि उपेन्द्र: यह डालर से है।

श्री अटल बिहारी वाजपेयी : डालर पर भी आ रहा हूं। वह डालर भी ऐसा ही है। डालर भी कोई राऊंड फिगर नहीं है, वह भी लम्बा लम्बा है (व्यवधान) यह बात साफ है कि सरकार और यूनियन कारबाइड के बीच समझौता वार्ता चल रही थी, पर्दे के पीछे चल रही थी, कोई आपत्ति की बात नहीं है। मैं फिर कहना चाहता हूं कि ऐसे मामलों में अगर कोर्ट के बाहर समझौता हो जाए और लम्बी कानूनी लड़ाई से बचा जा सके तो अच्छा है, लेकिन अगर यह समझौता करना था तो चार साल पहले हो सकता था, 1986 में तो हो ही सकता था। लेकिन तब हमारी सरकार मांग कर रही थी 3.1 बिलियन डालर और अब समझौता कितने पर हुआ है? यह स्थिति क्यों पैदा हुई? आखिर इस 705 करोड़ के पीछे गणित क्या है, तर्क क्या है, किस आधार पर यह आंकड़ा आया है, यह इस सदन को जानने का अधिकार है, इस देश की जनता को जानने का अधिकार है। सरकार इसका जवाब दे। मैं सुप्रीम कोर्ट के जजों की शान के खिलाफ कुछ नहीं कहना चाहता। लेकिन सरकार को जवाब देना पड़ेगा कि यह 705 करोड़ ही क्यों? कभी कोई आंकड़ा असलटप्पू आ जाता है। अब आडवाणी जी

कह रहे हैं कि यह कम्प्युटर का खेल है। कम्प्युटर काम कर रहा था। वह 705 पर रुक गया चलो 705 । महोदया, यह चुरहट की लाटरी तो नहीं है। कम्प्युटर कौन चलाता है इसके ऊपर निर्भर करता है। मगर में जानना चाहूंगा, मैं इमानदारी से जानना चाहूंगा क्योंकि मेरे पास जो जानकारी है वह जानकारी यह है कि यूनियन कारबाइड 600 मिलियन डालर देने के लिए पहले ही तैयार था। मैं एक किताब को उद्धत करना चाहता हूँ। इस मामले में मेरा कुछ व्यक्तिगत अनुभव भी है मैं उसका भी उल्लेख करुंगा। जो किताब प्रकाशित हुई है वह है

"The killing Wind—Inside Union Carbide and the Bhopal Catastrophe."

इसके लेखक हैं डोन कुर्ज़मान। इन्होंने पुस्तक में जो कुछ लिखा है वह तो आंख खोल देने वाला है। यह भारत सरकार को कठिनाई में डालने वाले लेखक नहीं हैं। मल्टीनेशनल्ज़ के साथ इनकी सहानुभूति हो इसका भी कोई कारण नहीं है। अपनी व्यक्तिगत जानकरी के आधार पर उन्होंने लिखा है। यह किताब 1987 के मध्य में प्रकाशित हुई थी, मैं उद्धत कर रहा हूँ किताब से।

"Whatever happened, Mr. Anderson was determined not to offer a sum that would exceed the amount covered by insurance and bank loans and this would mean a ceiling of about six hundred million."

[यह पेज 200 पर है]

श्री लाल कृष्ण आडवाणी : यह तो इन्श्योरेंस में से मिलने वाला था। इतना देने को वह तैयार थे।

श्री अटल बिहारी वाजपेयी: जी हां। इसमें यूनियन कारबाइड का कुछ जाने वाला नहीं था। यह ठीक है कि यूनियन कारबाइड ने एक कंजूस पूंजीपति की तरह से 100 मिलियन से शुरू किया था। 100 मिलियन डालर ले लीजिये, आखिर हिन्दुस्तानी मरे हैं हिन्दुस्तानियों की जान की कीमत ही क्या है। इस अभागे देश में इन्सान सस्ता है और योजनाओं का ईमान भी सस्ता हो गया है। कार्बाइड ने सौ मिलियन डालर से शुरू किया। मगर फिर बढ़ता गया। वह 240 मिलियन पर आ गया। लेकिन सरकार नहीं मानी और सरकार ने ठीक किया। तब यूनियन कार्बाइड 350 मिलियन पर आ गया। लेकिन जब न्यूयार्क के जज के सामने गयी तो भारत सरकार के जो वकील थे माइकल सिरेसी उन्होंने कहा कि यह "कम्प्लीटली अनएक्सेप्टेबुल" है। 350 मिलियन नहीं माना जा सकता है और इस किताब के अनुसार, जो एक विख्यात लेखक की कृति है, भारत सरकार के वकील ने न्यूयार्क में जज के सामने कहा कि इट इज ए सेल आऊट, 350 मिलियन की बात नहीं मानी जायेगी। यह तो सौदा है। हमें बेच दिया गया है। मैं पूछता हूँ कि क्या यह गलत है? अब भारत सरकार ने जो समझौता किया है अगर 350 मिलियन डालर को जो 1986 में हमें पेश किये गये थे, अब तक का उस पर ब्याज जोड़ा जाये तो 470 मिलियन तक पहुंच जायेगा। अब हमने उसे ले लिया। क्यों ले लिया? मैं एक व्यक्तिगत अनुभव सुनाना चाहता हूं। पिछले चार सालों में मुझे दो बार अमेरिका जाने का मौका मिला है। अमेरिका में मेरे एक डेनबरी में रहते हैं। डेनबरी यूनियन हेडक्वार्टर है। यूनियन कार्बाइड के कारख भारतीय भी काम कर रहे हैं। उनके कार्बाइड के प्रबंधकों को पता लगा होगा कि मैं डेनबरी में आया हूं और उनमें से कुछ लोग मुझसे मिलने आये। वह पहली मुलाकात थी उसके बाद जब दुबारा मैं गया तब भी वे लोग मिलने आये और वे साफ साफ कह रहे थे कि अदालत के बाहर ही फैसला होगा वर्ना हम मामला लटकाए रखेंगे। अब हमने सैबोटेज की बात डाल दी है। हम इसको इतना लम्बा चलाएंगे कि आप लोग परेशान हो जायेंगे इसलिए बाहर समझौता होना चाहिए। आप अपनी सरकार को तैयार करें। मैंने कहा कि मैं प्रतिपक्ष में हूं मैं कोई सरकार का आदमी नहीं हूं मैं सरकार को कैसे तैयार करूंगा। आप बताइये आप कहां तक जाने को तैयार हैं। आपको सुनकर ताज्जुब होगा, उन्होंने कहा कि हम 600 मिलियन अभी देने के लिए तैयार हैं। जो बीमार हैं उनके इलाज के लिए, अस्पताल के लिए दवाओं के लिए हम पूरा खर्च करेंगे, आवश्यकता पड़ेगी तो बीमारों को अमेरिका में लायेंगे। हम 1000 मिलियन तक जा सकते हैं। मैंने वहां से लौटने के बाद यह जानकारी दी थी जिन्हें देनी चाहिए थी। तब सरकार ने समझौता नहीं किया। इतनी लम्बी कानूनी लड़ाई चली। अब मैं सरकार के एफीडेविट्स पढ़ना नहीं चाहता जो उसने अदालत में दिये हैं। किस तरह से सरकार ने अमेरिका में मामला लड़ा जाये इसको प्रोत्साहन दिया। अमेरिका में मुआवजा ज्यादा

श्री अटल बिहारी वाजपेयी

मिलेगा। अमेरिका में जान की कीमत ज्यादा है। अमेरिका में ट्रायल ज्यूरी से होगा।

महोदया, भारत सरकार ने केवल गैस पीड़ितों को निराश नहीं किया, इस देश के हितों के साथ ही सौदा नहीं किया बल्कि तीसरी दुनिया के सभी देशों के साथ भी विश्वासघात किया है। तीसरी दुनिया के विकासशील देश देख रहे थे यूनियन कार्बाइड के मामले की तरफ। मल्टीनेशनल कम्पनियां उनके यहां भी फैल गयी हैं। फर्टीलाइजर लेकर जा रही हैं, उन्हें फर्टीलाइजर की जरुरत है, वे भूख से पीड़ित हैं, उन्हें भोजन चाहिए, अनाज की पैदावार बढ़ानी है। इन कम्पनियों ने वहां जाल फैला रखा है। वहां किस तरह के जहर काम में लाये जा रहे हैं, उन्हें पता नहीं है और हमें भी पूरी कहानी पता नहीं है। एम० आई० सी० के साथ और क्या था, और पदार्थ या तत्व क्या थे? साइनाइड था या नहीं था। जब डाक्टरों ने इलाज शुरु किया तो यह बात प्रकाश में आई कि यूनियन कार्बाइड ने न केवल देश को ही अंधेरे में रखा बल्कि सरकार को भी अंधेरे में रखा। तीसरी दुनिया के देश देख रहे थे कि इस मामले का क्या होता है। यूनियन कार्बाइड और दूसरी कम्पनियां मुनाफा कमाने में लगी हैं. . .। अब यूनियन कारबाइड का एक कारखाना और है, अमरीका में ही है। क्या वहां जो सुरक्षा, सेफ्टी के प्रबंध हैं और वह जो भारत में प्रबंध थे, वह बराबर हैं? एंडरसेन ने कह दिया कि बराबर हैं। यह गलत बात है। वहां पर उनकी जो फैक्टरी है, वह कंप्यूटराइज्ड है, इस तरह की कोई दुर्घटना की नौबत आती, तो अपने आप उसका प्रबंध हो सकता था। भोपाल में क्या प्रबंध था? अगर मैं भारत सरकार के एफिडेविट में से उद्धत करुं—टैंक गलत बना था, टैंक का रख-रखाव ठीक नहीं था, टैंक में तरल पदार्थ रखने का इंतजाम नहीं था — यह पूरा-पूरा चिट्ठा मेरे पास है और यह भारत सरकार ने इसलिए किया कि यूनियन कारबाइड को कटघरे में खड़ा किया जा सके और यह ठीक ही किया। यह भी ठीक है कि उसके साथ राज्य सरकार और केंद्र के अधिकारी भी लिप्त हैं। अगर यूनियन कारबाइड के कारखाने में सुरक्षा तथा सेफ्टी का प्रबंध नहीं था, तो मध्य प्रदेश सरकार के कर्मचारियों,अधिकारियों ने क्यों नहीं देखा? भारत सरकार ने इसकी चिंता क्यों नहीं की?

क्या सारे मामले पर पर्दा डालने के लिए तो यह समझौता नहीं किया गया है? अब सुप्रीम कोर्ट ने फैसला दे दिया है, सारे क्लेम्ज़, सारी लायबिल्टीज खत्म, क्रिमिनल केसेज़ खत्म, मानहानि के मामले भी खत्म, सब कुछ खत्म। सरकार ने जिस तरह से समझौता किया है, इससे व्यापक असंतोष है। जब सरकार ने अधिकार ले लिया था गैस पीड़ितों का प्रतिनिधित्व करने का, तो फिर गैस पीड़ितों से सम्पर्क होना चाहिए था, उनकी भावनाओं के साथ सरकार का कोई तालमेल होना चाहिए था। सुप्रीम कोर्ट में मामले की सुनवाई के दौरान इस बात का मुझे कोई संकेत नहीं मिला है कि सरकार इसके बारे में कुछ देख रही थी।

महोदया, सुप्रीम कोर्ट में पहले श्रीराम फर्टिलाइज़र्स का मामला गया था। श्रीराम फर्टिलाइज़र्स के मामले में सुप्रीम कोर्ट ने एक फैसला दिया था, जस्टिस भगवती ने कुछ बातें कही थीं। अब यह अंदाज किया जाता था कि सुप्रीम कोर्ट में जब एक मामला जा चुका है, उसका फैसला हो चुका है, तो यूनियन कारबाइड का केस जो उससे मिलता-जुलता केस है, उसके बारे में भी सुप्रीम कोर्ट उसी प्रक्रिया का पालन करेगा। लेकिन मुझे अफसोस के साथ कहना पड़ता है कि उस प्रक्रिया का पालन नहीं हुआ है।

महोदया, मैं अपने वक्तव्य को उपसंहार की ओर ले जाना चाहता हूं। मैं कानूनदां होने का दावा नहीं करता, भंडारे साहब जैसे विधि विशेषज्ञ मेरे सामने बैठे हैं। मैंने कानून पढ़ा जरुर था, मगर प्रीवियस के बाद छोड़ दिया था, इसलिए नहीं कि मैं फाइनल पास नहीं कर सकता था, लेकिन मुझे फाइनल करने का मौका नहीं मिला। मैं एक लाइयर के नाते नहीं बोल रहा हूं मैं एक लेमैन के नाते बोल रहा हूं और मैं आपसे सहमत हूं कि यह मामला राजनीति का मामला नहीं है, दल गत राजनीति का मामला नहीं है, लेकिन इतने बड़े कांड पर सरकार इस तरह से फैसला कर ले और इतने कम पर सौदा कर ले — अब गैस पीड़ित दिल्ली का दरवाजा खटखटा रहे हैं, कल वह सुप्रीम कोर्ट गये थे, आज वह बोट क्लब पर बैठे हैं। मैं इस विवाद में नहीं जाना चाहता कि जो 705 करोड़ रुपया है, वह कैसे बंटेगा, उसका प्रबंध क्या होगा, वह पीड़ितों तक पहुंचेगा या नहीं पहुंचेगा, या बिचवइयों की जेब में जाएगा, वह एक अलग कहानी है।

मैं एक बात कह कर बैठना चाहता हूं। मेरा अनुरोध है कि भारत का सर्वोच्च न्यायालय, जो जनता के अधिकारों का रक्षक है, सारे मामले पर पुनर्विचार करे भारत सरकार को भी इसमें बाधक नहीं बनना चाहिए।

समझौता हुआ, इस पर आपत्ति नहीं है, मगर समझौता गलत तरीके से हुआ और गलत तरह का हुआ है।

यह समझौता करने का रास्ता नहीं है। लोकतंत्र में तो बिल्कुल नहीं है। सरकार की एकाउंटेबिलिटी चाहिए और जुडीशियल सिस्टम की भी एकाउंटेबिलिटी चाहिए। अब तो लोगों के मन में प्रश्नचिन्ह खड़ा हो गया है कि यह हुआ क्या? यह 705 करोड़ का आंकड़ा कैसे आया? जब यूनियन कारबाइड ज्यादा देने के लिए तैयार था तब इसलिए समझौता नहीं किया कि शोर मच रहा था। तो क्या इस समझौते के खिलाफ शोर मचे तो फिर समझौता बदल दिया जाएगा? क्या भारत सरकार इस तरह से फैसले करेगी? मेरा कहना है कि जब तक सुप्रीम कोर्ट पुनर्विचार नहीं करता तब तक 705 करोड़ की रकम यह इंटेरिम है। यह री-हैब्लिटेशन के काम में लाई जानी चाहिए। यह इंटेरिम है, अंतिम नहीं है और न अंतिम होनी चाहिए। धन्यवाद।

SHRI MURLIDHAR CHANDRAKANT BHANDARE (Maharashtra): Madam Deputy Chairperson, I am glad that the hon. Member has said that this is not a subject which should be politicised. This is a topic which should cut across all party lines. And we should look at the basic issues involved. We are dealing with human suffering, a colossal human suffering. We are dealing with violation of human rights. And last but not the least, the consequence of both of these is the violation of human dignity itself.

Madam, this Bhopal tragedy has been considered as the most colossal tragedy in the chemical industry. Somebody has called it the Hiroshima of Chemical Industry. And our feelings are more intense becasue it has happened in a Third World country. I have always felt very strongly that when the multinationals transfer their technology, they do not transfer the same technology which they have in their own country. That transfer is always inferior. But that is only the least part of it. What is far more important is that even in the matters of safety measures which are required to be taken in a matter involving highly potential, dangerous and toxic gases they do not take the same steps. If you compare one unit which is there in the United States of America and the one which is here, you will find that there is a world of difference between the two safety measures. And the last but the most distressing feature is the matter of warning systems. Ultimately, whenever you put up a machine, there is always a danger that the machine would fail. And I am happy that hon. Member, Mrs. Chatterjee is here and she will agree with me that whenever there is a failure of that system, the least that that Corporation owes is to put up a warning system which is effective, which is timely, which will warn the people so that steps can be taken expeditiously to reduce the extent of damage. And I find that the multinationals are totally callous about these things. And I have always held the view that this callousness *per se* results in making them absolutely liable for any damage that may occur because of the failure of the plant or the escape of the toxic gases or any other reason whatsoever including, I would say, even if there is a case of sabotage because this is a liability which is total and absolute. It is not conditional at all. And, therefore, let it not be understood that we, who are here on this side, had a different perception of the very serious nature of the issues involved. And I have done it myself, I have myself put on record in a letter which I wrote as early as on 11th February, 1986. And I have pointed out - at that time the case was pending before Justice Keenan, and there was always a talk of settlement. I will come to the settlement issue; but settlement is the essence of resolving any dispute. In fact, if one reads the autobiography of Mahatmaji, the latter part of his life when he was a lawyer, he spent only in settling cases, and I will deal with that aspect which has been so dramatically painted here as if there is something intrinsically wrong with the settlement, and I will come to that ...

SHRI CHATURANAN MISHRA (Bihar) : Why is he referring to that ....? How is it relevant here?

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Just because there is a settlement, you are opposing it! I will come to that. Let me proceed. Now, I had specified the issues which were involved in this tragedy, and let me read them and see whether you join issue with any one of them. At that time, as I said, the case was to be pursued in U. S. I said there are five important considerations involved: one, creating an international benchmark for culpability of a large but thoroughly irresponsible and cynical multinational corporation, by proving it guilty in a court of law; two, the crucial issue of North-South relations in transfer of technology, of ensuring that double standards do not exist in such transactions and of defending and advancing the non-aligned movement perspective for a uniform code of conduct for MNCs, a position that this country has advocated persistently. And I had also mentioned about a resolution I had move in the U. N. Human Rights Sub-Commission that year. Then, national prestige and this country's credibility in dealing firmly with an MNC that was responsible for the brutal death of over 2500. Now the figure exceeds 3300 and for maiming 1,00,000 for life, and today the claims are of 6,00,000 people. Then, the basic question of providing legal deterrents and stiff penalties besides regulations for violation of basic consideration of safety of human beings and of life. Regulation of a private proprietory technology of a public agency can only be an unequal race and less than 1 per cent of all hazardous chemicals are regulated anywhere, and the short and long-term interests of Bhopal victims who stand. Thanks to the inadequacy of Indian legal system. Please allow me to emphasise this in dealing with torts and certain aspects of criminal liability as well as punitive damages to gain more by having the litigation pursued in the U. S. than being settled out of court. So, the stand is very clear. Let nobody say that members on this side have any sort of a soft corner for any multinational company like the Union Carbide.

SHRI JASWANT SINGH (Rajasthan): If my esteemed colleague would yield for just half a minute. Out of these five criteria which you very validly and very rightly pointed out, has any of these been followed?

SHRI MURLIDHAR CHANDRAKANT BHANDARE: I am coming to that. Why don't you wait?

THE DEPUTY CHAIRMAN: If you disturb, his chain of thought is broken. It is a serious matter. Let there be a serious discussion. He is going ahead.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: We are on a common ground. I was literally very much disappointed with Judge Keenan when he transferred the suits to India on the ground of the forum non convenience. He held that all suits should come back to India, and I knew that really it was a very very difficult battle now to fight because you go to the motor accidents claim tribunal. I am dealing with a case of a 21-year old boy, a brilliant student, an outstanding sportsman of St. Stephen College. At the age of 21, he was run over by a bus and his whole of lower body is crippled. We are fighting that case for last seven years and nowhere in sight of a final decision and a public sector undertaking which is under the control of this House like the DTC, is raising every possible objection, despite conviction of the driver. That is where the inadequacy of the legal system will come in. I am not justifying it at all but we are conscious of that inadequacy. Today, you find that a person who has a house lets it out to a tenant for a short period and for his personal occupation of the same he goes to the court. He has in writing under section 21 of the Delhi Rent Control Act that the house will be vacated in 1980. He files the case in 1980 and it is not heard till 1988. Go to anything. In fact, in one case I wanted a stay from the Supreme Court. Justice Shah—later on he became the Chief Jus-

tice—quite angrily asked, "Mr. Bhandare, your client has deprived the other side for 18 years and do you still want a stay?" I said, "Nothing happens, nothing comes to the Supreme Court unless the litigation attains the majority." There are unconscionable delays and it is a matter of regret that we have not done much to strengthen the judicial system. In fact, we have done nothing to cut down these delays or have a delivery system of justice which is really speedy and efficacious. Not it was in this context that the case came here. It went on. In the meantime, to keep the ambulance chasers away—in America, in fact all such cases are settled like the Agent Orange case or the Asbestos case or the Melvin's case, but the lawyers take a good part of the share, sometimes 50 per cent or 60 per cent—and to see that the fruits really reached the people that this House passed that Act, making the Government the sole custodian, the sole trustee for the victims of the Bhopal tragedy. We passed that legislation and the suit was pursued. It was pursued vigorously in U.S.A. and here also. Judge Keenan had started the settlement procedure. When I wrote this letter, it was again taken up. When Judge Dev found that the parties were not settling—I want to compliment for what the district judge did—he passed an order for Rs. 350 crores as an interim payment. Now it is really shocking that when the matter goes to the High Court, it reduces it to Rs. 250 crores. And on what basis? It says that for death it will be Rs. 2 lakhs, for permanent disability it will be two lakhs, for partial disability it will be Rs. 1 lakh, for temporary partial disability it will be one lakh and for temporary disability it will be Rs. 50,000. This is what it said. In substance the total claim will be Rs. 500 crores but I am now giving half of it, 50 per cent of it, that is Rs. 250 crores. This is very surprising. It is here when the Union Carbide went in appeal. I was one of those people who said that you should fight it tooth and nail. I am one of those but at the first available opportunity I would have settled a matter like this or for that matter any matter because settlement puts a finality to the proceedings. No appeal after appeal. In this case ev er-locutory proceedings we would have dealt with point. If I wer I would have asked the Government to file an appeal against that award which reduced the amount from Rs. 350 crores to Rs. 250 crores, but as it is, the matter rested there at Rs. 250 crores and the court started arguments, all sorts of arguments, that there was a sort of constructive liability because we had put up the slums where we should not have put up. I have never heard of such sort of arguments. All sorts of arguments were made. There was always a danger that since the United States Court of Appeals had said that full due process clause should be followed, whether an interim payment of this nature without a trial would really be justifiable or not. Personally, I think that the decision should have been in our favour. If interim payments are not to be made to allevate the miseries in a colossal tragedy like this, I do not know in what case they would be made.

But it involved a great deal of delay, unconscionable delay, because the sufferings of the Bhopal people are there every day. There are women who cannot conceive because of the after effect of the gases inhaled by them. There are ladies who are having miscarriage every time. And we do not know, after two generations, what will be the condition because of innaiation of this killer gas. So it is a question of one way of looking at it and the other way of looking at it. If I had this kind of proceedings, I can assure the House that I would have settled the case at the earliest possible so taht the victims get something. Therefore, there is nothing wrong *per se* with settlement.

I now come to the figure of settlement and the meaning of settlement. I do not know why it has been said that the Opposition had no objection if the Government had settled it. I really cannot understand this at all. I think a grave

responsibility lies on the Court when ... matter is before the Court to see these miseries are not compunded by unconscionable delay of the court proceedings and that a reasonable settlement is arrived at ... believe that this figure is low. But ... to say that you can attribute any motives, either t ... ernment or to the highest judi... ... is an independent judiciary, an impartial judiciary and a very very important element of our democracy, the very basic bedrock of the rule of law. We can... on making insinuations, allegations ... accusations. You can, of course, criticise the judgement to the extent of saying th... you find this an inadequate settlemen... But please do not attribute motives. It has acted honestly; it has acted fairly. ... will tell you why. At least the record show that, though I still believe that t... Supreme Court should say as to why ... hit upon a particular figure of Rs. 470 crores. It does appear that if it had been 500 crores, anybody would have understood, but if it is 470 crores, people say how it was claculated. Now look at the order of the Supreme Court itself. I am reading the order of 14th February, which says:

> "Offers and counter-offers made between the parties at different stages during the various proceedings...."

I will read a little before that so that this House will know what the Supreme Court was dealing with:

> "Having given our careful consideration for these several days to the facts and circumstances of the case placed before us by the parties in these proceedings, including the pleadings of the parties, the mass of data placed before us, the material relating to the proceedings in the courts in the United States of America, the offers and counter-offers made between the parties at different stages during the various proceedings as well as the complex issues of law and fact raised before us and the submissions made thereon, and in particular the enormity of human suffering occassioned by the Bhopal gas disaster and the press... y to provide ... stantial relie... of the disaster, we are of the opinion that the case is pre-eminently fit for an overall settlement between the parties covering all litigation claims, rights and liabilities...."

So they have taken into account ... relevant considerations and I am quite ...re that now that the matter is over, the ... has been arrrived at unless the ...e Court chooses to review its own ...ent and offer, it has now become ...ent so that without the consent by ...e of the parties, it cannot be changed ...ven by the Supreme Court. Just withdrawal of the consent by one of parties is not enough. Now the point I am making is that Government will tell us what was the highest offer. I have know that the highest offer was of the order of 300 million. But it was not what the hon. Member, Mr. Vajpayee, pointed out. these are matters of fact; therefore this is not a debating point at all. I agree that if 300 million was offered in 1984, 470 crores now is less. There can be no argument at all on that basis. But was that the offer at all? The offer was $185 million down payment, the balance $115 million to be spread in instalments, with interest of course, over nine years. I would like the honourable Minister to tell me whether I am wrong or whether Vajpayeejee is wrong whether it was a down payment offer, because that makes a world of difference when it is a down payment offer, and whether this offer was at all made. I have said that I am not happy with the figure of 470 million. But it has one merit, namely, that it is a payment to be made before 31st March. In urdu they say- *"nakad now* and *tees udhar." Actually it* is *"tera udhar"*but because of inflation I am saying *"tees udhar."* It is true that if you have to receive Rs. 500 and getting it

after 10 years, it is worse than getting Rs. 100 immediately which would meet your requirements. It is the reality of life. Every day we settle cases where a .....

SHRI JAGESH DESAI (Maharashtra): But, after five years the amount will be more.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: And what will be the suffering? The people will be dead and gone. And I still stand by that, that an early and fair settlement is the best.....*(Interruptions)* ....Yes, I am also disappointed.

SHRI SANTOSH KUMAR SAHU (Orissa): Many would have died.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Many would have died. That is what I am saying. And many would have been crippled for life, the disabilities would have been compounded. That is why I say, if there is anything, please let any Member of the Opposition bring it on record that there was an offer or counter-offer before the Supreme Court of the order of $600 million...*(Interruptions)*... I do not think it is all right. I have great regard for my honourable friend who goes and meets his friends in New York where the headquarters of Union Carbide are there. But what is the sanctity of those offers? Who had made those offers? Were they authorized to offer $600 million ? From the book from which he read out, it is very clear that the outside limit would be $600 million. Therefore, this was a time game. This was a game where, I am told, they have already spent $100 million or more in legal fees. You can imagine to what extent the Union Carbide is cynical I call them synical and not worthy of any confidence. I have said it in my letter which I read out just now.

THE DEPUTY CHAIRMAN: You might call them "eyanidical"!

SHRI MURLIDHAR CHANDRAKANT BHANDARE: So, it would have never ended in magnanimity. Of course, if the matter had continued in the United States of America, they would not have been able to resist public opinion. Therefore, these were the two [illegible] the Supreme Court, as appears from the record. I do not know, but if further light is thrown I will revise my opinion on this that the maximum amount according to the High Court judgment was Rs. 500 crores. And, No. 2, that there were offers and counter-offers none of which, according to me, really reached the figure of even $470 million. Though the figure appears to be a little *ad hoc* or arbitrary, I don't think it is divorced from the parameters which I have indicated earlier.

SHRI YASHWANT SINHA (Bihar): And the Judges....*(Interruptions)*...

SHRI MURLIDHAR CHANDRAKANT BHANDARE: We have Judges who give compensation of Rs. 1 lakh. If you go before another Judge he will give you a compensation of Rs. 25,000 only. It happens every day. Now I do not want to say all that, but just because the figure mentioned is $470 million, you can play on the words and you can be dramatic about it...

SHRI CHIMANBHAI MEHTA: Supreme Court gave interim relief...

SHRI MURLIDHAR CHANDRAKANT BHANDARE: I agree. For example, take the case of a husband and wife fighting a litigation and the time to settle the litigation is when the wife comes on the first day and asks for maintenance and costs and, not keep her waiting unduly long. It is one of the opportunities which you must explore. *(Interruptions)*

SHRI JAGESH DESAI: Can this case be reviewed or not? Please throw some light on that.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: All right. made myself very clear. I ar insinuations that there is a reement between the Government and the Union Carbide.

SHRI ATAL B... How are you deny...

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Where is it on record? If you want it as a market gossip, you can do it. I am denying any insinuation about the judiciary that they somehow had decided upon this earlier with the consent of the parties. That insinuation also I am denying. I must tell you that I also do not like that they did it so suddenly. I do not like it at all. The merit of our judicial system is openness.

SHRI CHIMANBHAI MEHTA (Gujarat): Why did they do it suddenly?

SHRI MURLIDHAR CHANDRAKANT BHANDARE: I will come to it.

SHRIMATI JAYANTHI NATARAJAN: This is exactly what I raised. We cannot go on saying that the Judges did like this. This is casting aspersions. How can you allow all these aspersions on the Judges, Madam?

THE DEPUTY CHAIRMAN: I would request hon. Members not to interrupt the speaker, so he can conclude after making his deliberations.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: The point which I was making is that the merit of our system is that today justice is so highly valued in our country because it is open. Everyday the Judges function under the public gaze. It is an open court. Anybody can come and sit there and find out how justice is being done.

Therefore, the two things which have unnecessarily led to or caused some sort of concern in the probing minds, are, one, ...ness and ... it for ...re not concentr... ch the coun... ...s are ...s I am quite sure that the Judges must have been thinking about a fair settlement for quite a long time. The burden on the Judges was unduly heavy. It cannot be disputed at all. Don't think that that morning between eleven and one for the first time they applied their mind to compensation. (*Interruptions*)

THE DEPUTY CHAIRMAN: Please don't interrupt.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: I have 101 things to say against our judicial system. But that is a different matter. That we will debate some other day. Therefore, it is not correct to say that though I do agree, I do feel that apart from offers and counter-offers, Judges on their own should have found out from several charts which I have here, given in several books including this book, as to what would be a fair and reasonable compensation. But in the context of offers and counter-offers which were before them and in the context of the offer of Rs.500 crores which the High Court had arrived at, I think, one can carefully discern that an objective mind was brought upon to determine the quantum or the amount. But, I still believe that at an appropriate time the Supreme Court should give further indication as to how this amount was arrived at because there are several more things before us.

Having stoutly denied any allegations against the Government and the independence and impartiality of the highest court of the land, I come to the more important point as to what should be done hereafter. That is the most important thing, and again my suggestions are as follows:

This amount should be disbursed in such a way that the last paisa goes to the victims or the relations of the victims. I am making these suggestion in all humility. It will do great credit to the Government if they accept this and put it before the Court.

5.00 P.M.

The body for disbursement of compensation to the victims should be totally independent body. In fact, both the Central Government and the Madhya Pradesh Government should distance themselves from the exclusive control of any such payment. The body for disbursement of compensation to the victims may be called 'the Bhopal Gas Tragedy Disbursement of Compensation Commission'. It should consist of a retired Chief Justice, a retired Comptroller and Auditor General of India, representatives of one or two voluntary agencies, representatives of the Government of India and the Madhya Pradesh Government.

An application should be made before the Supreme Court to frame a scheme to indicate the sums to be paid in case of death and various kinds of injuries, including those involving permanent disability. Any shortfall between the sum so determined and the compensation of 470 million dollars to be paid by the UCC and the UCL should be met by the Government. Therefore, we have provided for the shortfall also.

The payment should be made by bank drafts and deposited directly in the account of the claimants after ascertaining correctly the identity of the victims or his relations. The Government should not deduct any expenses for disbursement of this amount or any overhead charges. This should be borne entirely out of the Government's funds. The bank should also not charge any bank charges for making drafts or rendering any other services in the matter of disbursements.

Of course, the Commission will have to be backed up by a proper secretariat and staff. The Commission should submit a report to the Supreme Court every three months on the progress of the disbursement and in case of any difficulty the trial judge should decide the nature of the injury and award of compensation.

Now, I must tell you that in the Agent Orange case about the pesticide used in Vietnam, the scheme ran into 600 pages and there were fewer victims. Here also it will be a colossal task for the Supreme Court to draft the scheme, but the Supreme Court will have to draft that scheme.

I hope there are only two merits of this settlement.

One is that the culpability of a parent multinational for an activity of its subsidiary in a third-world country is now established.

SHRI JASWANT SINGH: It is not established.

SHRI MURLIDHAR CHANDRAKANT BHANDARE : Yes, it is established when 80 per cent of the payment is made. You may argue in any manner you like.

SHRI JASWANT SINGH : One moment. The Honourable member has make some admirable suggestions but not this that the culpability of the Union Carbide subsidiary in India now stands established. In fact, the Government has said past criminal liability is removed and the liability, in fact, is not established.

SHRI MURLIDHAR CHANDRAKANT BHANDARE : May I deal with this a little for everyone to understand? Now, the UCC, which is the parent organisation called the Union Carbide Corporation has its subsidiary Indian company called Union Carbide Ltd. Now, the UCC was a party and by the court's order to UCC to pay the liability

is established. Now, by consent it has agreed to pay, but it is still bound by the decree. Therefore, the liability is fully established according to me and anybody who suggests that is not established is not correct.

SHRI CHATURANAN MISHRA : The point is about the criminal liability.

SHRI MURLIDHAR CHANDRAKANT BHANDARE : I agree there. The criminal liability is extinguished, but it is not on the basis that there was no liability. It proceeds on the basis that there would be a liability even under the criminal law, but it stands extinguished because of the settlement of the dispute in a civil court. I will come to this a little later.

The second more important aspect of the matter is that the jurisdiction of the Indian courts to proceed against a multinational parent comapny has also been established. The two are different. They could have said, well our subsidiary will pay. No. The jurisdiction of the Indian court, the District Judge, to entertain a suit filed by the Union Government against the parent multi-national UCC has been established and so also the liablity of the parent multi-national company has been established. These are not small achievements for the Third World for whom I have always spoken because I am a part of the Third World.

About the future, I think, the best course is instead of trying to get into further, litigation whatever is the deficit, let the Government of India meet it, let the Government of Madhya Pradesh contribute if it can, but all that I say is that look at it from this point,- though personally I am disappointed with the figure,- that to an extent this is a speedy, time-bound judgement, that is before 31st March, 1989 they should deposit. It is not that going to be included in the budget. It cannot be because the order of the Supreme Court says they will have to deposit in the bank given by the Supreme Court of India. Therefore, it cannot be taken into the Consolidated Fund at all. Therefore, forget all these political arguments and let us come and apply ourselves to the task that whatever little we have achieved in this settlement, let us pass it over to the victims as early as efficaciously and completely as possible and if that is done the time this House has taken over the passing of the earlier Bill and on the debate today and the awareness that it has shown to the violation of the human rights, to the miseries of the humanity, to the sufferings of the humanity, will be well worth it. Thank you.

THE DEPUTY CHAIRMAN: Now, I would like to draw the attention of the House that 15 speakers have been listed and only two Members have spoken. If the House so desires, we will sit until we finish the discussion on this subject and tomorrow the Minister will reply.

SHRI JASWANT SINGH : Madam, it is up to you to rule what we have to do but we have seen that when the debate gets fractured, the concern of the House also gets dissipated. You can adjourn the House now and we can continue the discussion tomorrow and the Minister can also reply tomorrow...*(Interruptions)*..When you fracture the whole thing like this, then, the thrust is lost.

THE DEPUTY CHAIRMAN : We will have some speeches today and some speeches tomrrow and then the Minister can reply.

SOME HON. MEMBERS : Yes.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS (SHRI M. M. JACOB): We will sit up to 6 O'clock. That will be

THE DEPUTY CHAIRMAN : The BAC has not met and we have not yet taken any decision. Since it is a serious matter and many Members wanted to speak, I think, we can sit till 6 O'clock

and continue the discussion further tomorrow and then the Minister can reply-.....(*Interruption*)....The Minister says that he is going to the other House to reply now on the same subject and he will reply here tomorrow.

SHRI JASWANT SINGH: He could have said the same thing from his seat.

THE DEPUTY CHAIRMAN: Does not matter, it is for me to decide from where he can speak. At least allow this much liberty to the Chair.

SHRI JASWANT SINGH: He could have said the same thing from his seat. What is the necessity of his going to the Chair ?

THE DEPUTY CHAIRMAN: It is the courtesy of the Minister to come to the Chair. Why do you object to it ?

SHRI JAGESH DESAI: Are we adjourning now ?

THE DEPUTY CHAIRMAN: No, no, we will adjourn at 6 O'clock.

SHRI YASHWANT SINHA: The Minister is going and is not listening to this important speech.

SHRI M. S. GURUPADASWAMY (Karnataka): Will he be here or is he going out ?

THE DEPUTY CHAIRMAN: His junior Minister is here and he will be noting down all the points.

SHRI YASHWANT SINHA: We do not want to listen to a junior Minister's reply.

THE DEPUTY CHAIRMAN: The Minister will be replying only tomorrow.

SHRI M. S. GURUPADASWAMY: It is for you to judge whether it is correct....

THE DEPUTY CHAIRMAN: Gurupadaswamy is not speaking to the Minister individually. He is speaking to the Government and anybody can listen.

SHRI M. S. GURUPADASWAMY: Madam, courtesy demands that the senior Minister should be present. Anyway, I will leave it to your judgement.

THE DEPUTY CHAIRMAN: He is going to the other House because he has to give a reply there on this subject.

[The Vice Chairman (Shri Jagesh Desai) in the chair]

SHRI M. S. GURUPADASWAMY: Madam, Deputy Chairman, I listened to the speeches of my two colleagues carefully and I appreciate their concern on this serious issue which is being debated today. Madam, if Bhopal tragedy Bhopal holocaust had taken place on American soil, if the westernized civilised standards had been applied, if the western nations of justice had prevailed and the western yardstick had been brought to bear on this tragedy, I am sure, the cost of compensation would have run into billians of dollars. Unfortunately, my friend, Mr. Bhandare, tried to apply the third world standard, the Indian standard, the Indian yardstick, according to his own understanding of this great tragedy. That led him astray in his argument. I do not think that in the industrial history of any country of the world, such a colossal tragedy occurred, causing tremendous and far-reaching sufferings. Nearly 40,000 families were victims of this tragedy, 4,000 people died, several thousands of people have suffered disability. Perhaps, our posterity in Bhopal and its surroundings have to undergo the evil effects of this great tragedy. My basic complaint, with my friend, Mr. Bhandare is that he has not been able to have adequate perception of the dimension of this tragedy. When we know the scale, the dimension, the nature of the tragedy, then only it will help us to understand the adequacy of any compensation or inadequacy of any compensation. My complaint is, the Government has behaved as if it is a Government of a very backward, very underdeveloped helpless people. It is just like a beggar who is dying for want of food begging, pleading, "Give me a morsel of food. Let me save myself. I am

poor. I am dying. I am starving. Let me have anything. Give me anything you like. I will take it." This beggarly attitude on the part of the Government, I detest. It is total surrender of the Government itself to the machinations of a multinational company. This instance has proved beyond doubt that this Government is helpless and hopeless before a multi-national company. I am not talking of any other Government. I am not talking of other countries either. Here, I am listening from the side of the Ruling Party that "If we pursue the case in the court, there will be inordinate delay. It may run into years." Therefore, that should be justification for accepting a scandalously, ridiculously, low compensation. I was trying to know whether he would advance any valid reasons for justifying this low compensation. The only argument given by him and by the spokesmen of the Government which has appeared in the press today is that we have already spent four years in interlocutory petitions, proceedings. It may run into many more years if we pursue the matter in the court. I thought a suggestion would come to take over Union Carbide in India. The Union Carbide factory in Bhopal could have been taken over and kept under an official receiver

SHRIMATI JAYANTHI NATARAJAN: It is worth only 80 millions.

SHRI M. S. GURUPADASWAMY: You seem to be a great advocate of Union Carbide. I am sorry for this mentality.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): What she wanted to say was that there are only eight crores worth of assets.

SHRIMATI JAYANTHI NATARAJAN: I would like to say something.

SHRI M. S. GURUPADASWAMY: I am not the auditor or the accountant of Union Carbide. (*Interruptions*). I am not yielding.

SHRIMATI JAYANTHI NATARAJAN: Sir, I would like to know on what basis he made that remark. (*Interruptions*). It should not go on record.

SHRI M. S. GURUPADASWAMY: I am not an accountant.

SHRIMATI JAYANTHI NATARAJAN: I will resent that remark. I am not an advocate of Union Carbide. I know what I am talking.

SHRI M. S. GURUPADASWAMY: That is a provocation. She has to take the language of Parliament.

SHRIMATI JAYANTHI NATARAJAN: I will not allow. It should not go on record.

SHRI M. S. GURUPADASWAMY: It is a parliamentary debate. It is not unparliamentary.

SHRIMATI JAYANTHI NATARAJAN: I would like to know how I am an advocate of Union Carbide. It is a personal remark. It is a terrible reflection on me. I cannot allow it. (*Interruptions*).

SHRI M. S. GURUPADASWAMY: Let us not vitiate the atmosphere. (*Interruptions*).

SHRIMATI JAYANTHI NATARAJAN. I want to explain myself.

SHRI M. S. GURUPADASWAMY: I am not yielding at all.

SHRIMATI JAYANTHI NATARAJAN: He does not know what he is talking about.

SHRI M. S. GURUPADASWAMY: I did not mean insult. I have got great respect for this lady.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI) : He says he did not mean that. (*Interruptions*).

SHRI YASHWANT SINHA: Do you know the value of human lives ?

SHRIMATI JAYANTHI NATARAJAN: I know better than you do. You

say that the compensation is so low. What is the value of human life ?.....

SHRI M. S. GURUPADASWAMY: I wonder why she is so much exercised today ..

SHRI SUKOMAL SEN (West Bengal) : What is it going on ? How can she go on disturbing the honourable Member ?

SHRI M. S. GURUPADASWAMY: Let me not be disturbed till I finish because my time is very short...

SHRIMATI JAYANTHI NATARAJAN: Before you continue, your remark must be expunged.

SHRI M. S. GURUPADASWAMY: My remark will never be expunged. I have not uttered any unparliamentary language here. I am very careful unlike you. I was saying the argument advanced for accepting a settlement of this nature was only one and that was....

SHRIMATI JAYANTHI NATARAJAN : Not even a settlement.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI) : No running commentary please.

SHRI M. S. GURUPADASWAMY: I have not done anything wrong to that lady. I do not know why this provocation. What is the problem ? — I do not know. I was just saying that the only argument advanced by the official spokesman and Mr. Bhandare was...

SHRIMATI JAYANTHI NATARAJAN: You do not know what you are talking.

SHRI M. S. GURUPADASWAMY: ...that there would be inordinate delay; therefore, there was a necessity for arriving at a settlement. I only say there were various options. I had suggested one option. Another option could have been that this matter could have been pursued in America itself; they could have gone to America. And there were teams of officials who had gone there. I think the Attorney-General also went there. What happened there, we do not kn[illegible] fore, Parliament is entitled to know what the work done by these people was What was the brief given to those lawyers in America ? What was the am[illegible] there, the amount of time sp[illegible] What happened there ? We do Therefore, Parliament is entitled to know what happened in America. My suggestion is that if the case had been taken up in America, then the American law would have prevailed; the American justice would have prevailed. Perhaps there would have been a trial by jury of which the Union Carbide was afraid, and I maintain that the figure of US$ 600 mullions was given at the time in America. They were ready for a settlement. And there is no repudiation of that figure officially so far. My information is...*(Interruption by Shrimati Jayanthi Natarajan)* The Minister is there; you are not yet a Minister; please; sit down. You cannot interrupt me when I am speaking...

SHRIMATI JAYANTHI NATARAJAN: You are giving incorrect facts.

SHRI SUKOMAL SEN: There is a limit to anything. Why is she interrupting like this? Is it because of what happened in Tamil Nadu?

SHRIMATI JAYANTHI NATARAJAN: He is giving incorrect facts...

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): You will get your opportunity and at that time you can make it clear. Don't interrupt now.

SHRI M.S. GURUPADASWAMY: If she wants to speak, I am prepared to speak tomorrow. I have no objection. But this is not the way. I am not accustomed to this kind of interruption.

Mr. Vice-Chairman, Sir, there are a few things which have caused some misgiving in my mind. One was that the Supreme Court, before passing its order, did not hear the respondents representing

the victims. They have not heard them. It is unusual. How could an order be passed without hearing these organisations? In this case it was not done.

Secondly, there might have been negotiations and counter-negotiations, offers and counter-offers. Otherwise, this figure would not have been arrived at at all. What is the logic, what is the rationale behind this figure? I want to know that. If the amount of 470 million was considered adequate, reasonable, in the circumstances, keeping in view the colossal tragedy caused to thousands and thousands of families, I want to know the rationale. Incidentally, I want to know why such a decision was taken, abruptly, arbitrarily and so suddenly. The case was for interim relief, as my colleague has pointed out, and it is not for final settlement. There were criminal proceedings. It is extraordinary that so suddenly there was a decision about the amount, about the quantum, and the Government agreed to that without hearing the parties concerned. Further, all the criminal proceedings, let alone civil proceedings, remain extinguished now as a result of the order. The Supreme Court is the apex body of this country. I do not think that here after, after this judgment, criminal proceedings can be started against Union Carbide. What are the reasons for this, what is the rationale behind this? I am not very sure either whether absolute liability has been established. My friend was trying to say that liability has been established vicariously, indirectly. I want to know whether legal liability has been established totally which means criminal, civil and all liability. I want to know whether this order will not come in the way of proceeding against Union Carbide in criminal courts. What is the criminal culpability, criminal liability after this order? None. It is gone. Why so? Conceding that they have come to a sort of judgement regarding civil liability, what will happen to their criminal liability? Therefore, I am mystified and I am intrigued really as to why this was done. Why was this done ? For what purpose ? There must be some motive behind all this. My friend, Mr. Vajpayee, was saying why this was done and this must have been done behind the curtain. Why? If this is so, then the Government should tell us. I feel, Mr. Vice-Chairman, Sir, that this is a gigantic and colossal surrender on the part of the Government of India before a multinational company for dubious ends and I would like this order of the Supreme Court to be reversed. They alone can do that Parliament can do it. Lower courts cannot do it. I expect that the Supreme Court itself should revise its order. I would like the Government of India to make an application for revising the order. Otherwise this will remain a mystery and this will remain a sort of inexplicable event in the legal history of this country.

Mr. Vice-Chairman, I will end by saying that the people of India will not accept this position, and especially the victims who have suffered from this tragedy will never and never accept this position. Today and yesterday there was demonstration by the victims of this tragedy here. They have come all the way from Bhopal—with families and children. This shows their anxiety; this shows their feeling. It is not a good judgement. I do not want to cast aspersions on the Judges. But the judgement can be wrong; this is the great error they have committed, in my view. Therefore, the Supreme Court should be moved by the Government of India to revise its stand and hear the case once again and come to a proper judgement, taking into consideration all the circumstances with regard to the tragedy and its dimensions, otherwise suspicion and misgivings will continue and the Government will be responsible for such public suspicion and misgivings.

Thank you.

SHRI ANAND SHARMA (Himachal Pradesh): Mr. Vice-Chairman, Sir, this House is discussing a matter which is of

serious concern to both the sides, the Government as well as members of the Opposition. In fact, the entire nation was shocked when this tragedy occurred on the night of 2nd December, 1984. Since then, we all are aware that a large number of people have continued to suffer. Those who were injured, those who were maimed, the families of those who died, agonised as they were, waiting for the relief, waiting for some compensation and hoping that, in their life time something would be done. Sir, it was in this background that the litigation started. Today we are discussing here the fall-out, the outcome of the Supreme Court's order, which is being repeatedly, erroneously referred to as a settlement. And I dispute that, because it is an order of the court, the highest court of the land which, was exercising its appellate jurisdiction over a matter which had come before it after having been adjudicated by two labour courts. I will come to that later Sir. But when this tragedy occurred, what was the option before the Government. It was a case involving a multinational, over which was had no direct jurisdiction—at least courts, then felt that. Jurisdiction was disputed. Its headquarters were in a foreign country. Its assets were not enough. As suggested by Mr. Gurupadaswamy, the Government could have taken over the assets but the assets were not adequate enough to provide relief to the large number of people affected and their families. During this period, Sir, there were individual claimants, victims going to the courts of law in the United States before the federal court, before the district courts, filing their own separate claims. Had that been allowed? Had individual settlements taken place, victims would have waited endlessly for justice. What is being contested and protested again today? I may tell you that the victims would have got mere peanuts. My senior colleague, Mr. M. C. Bhandare has explained as to what amounts are normally claimed by lawyers in U.S. and other courts for such compensation claims. Sir, the Government of India filed the case in April, 1985, my esteemed colleague on the other side had asked as to why the Government did not go to a foreign court or a U.S. court. The Government did go and then it was criticised for going to an American court. The statements of various leaders of various political parties who had condemned the Government for going to American courts are there. The Government succeeded in consolidating all the cases which was absolutely essential if any settlement was to be arrived at. Then came the ruling of the U.S. court that the Indian courts had the competence and the jurisdiction to try these cases The case came to India. But attempts to sabotage any final decision about compensation to the victims continued. There are instances when there were collusions between the private plantiffs and their lawyers and between the lawyers of the Union carbide who were trying to go in for a settlement for meagre amounts, thereby defeating the very purpose of the main claim in the case which was pending before the Bhopal Court. The Government of India, has only discharged its responsibility it had taken upon itself thus task because of its concern for the victims. Sir, today when aspersions are being cast on the Government and the sincerity of the Goverment is being questioned, I would like, for the sake of record, to make it clear that this Government is second to none in patriotism and that this Government is second to none in its concern for the affected people. It was this Prime Minister and this Government which had immediately sprung into action to provide relief to the affected people. They say that this debate must not be politicised. I will also request all my friends to be dispassionate and not to politicise a human tragedy. When you are contesting all this, you refuse to acknowledge the fact that the Government has already been providing relief. When you talk of the amounts of the claims, you must remember that since 1984 till this date the Goverment, both the Government of India and the Madhya Pradesh Government, have provided re-

lief of 90 crores of rupees. I am saying this because an attempt is being made today to malign us. Disputes can be there. Disagreements can be there. Claims can be contested. That is what happens in courts of law also. But needless aspersions must not be cast. This is my submission. We are discussing here an order of the highest court of the land and that too not by one Judge or two Judges or five Judges but by a constitutional bench of the highest court. You say : "What was the consideration and how did they arrive at this figure ?" We are also saying that this amount is not adequate. I for one also say that this is not adequate,

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Mr. Bhandar also said the same thing.

SHRI ANAND SHARMA : I also say so. Sir, we have to appreciate and understand what could be the pressures on the minds of the Judges, what could be their concern and what was their consideration. The District Judge of Bhopal had awarded 350 crores of rupees. The case came before the High Court of Madhya Pradesh. We all know that the interim award for relief was Rs. 250 crores and the final award was Rs. 500 crores. The details of the individual compensation have been given by Mr. Bhandare—it was Rs. 2 lakhs for those who died, the same amount for those who were seriously maimed for life, and then Rs. 100,000 and Rs. 50,000 depending on the degree of injury or damage caused. It was after this award of the High Court that the case came befor the Supreme Court. And this order is for Rs. 700 crores. We all know, the senior eminent lawyers who are present here know that the award normally is not of the same amount or figure which is claimed. There is always a difference. There is hardly any instance where a claim made is also the claim awarded. But, here, before the Supreme Court, what was the picture? I contest Vajpayeeji's claim that the face of the victims was not before the Court. They were concerned about the plight of those very victims. If the Supreme Court had delayed, what a situation would have been there ? One of endless wait for the victims for compensation, an endless wait. And we are aware of the dilatory tactics, the delays which are there in the courts of law. Besides that, Sir, in case of dispute, the award would have been contested, and the Government of India would have to go to U.S. courts for execution. This nobody is considering. And then any District Court in the US would have sat in judgment over the order of the highest court of this country beacuse, otherwise, how do you have it executed if the other side does not agree to pay that amount. According to my information and knowledge, Sir, this is the first time in legal history that such a major award has been given against a multinational. Never before was it done and there is no precedent There have been countless cases where multinationals were involved. And the people die waiting for relief. The Agent Orange case where the US soldiers who had gone to Vietnam were involved was cited by Mr. Bhandare. They had to wait for ten years. There were 226,000 soldiers involved. But even after ten years, they could not arrive at any solution in the courts of law. They had to wait for that period. And then finally it was an out of the court settlement. And it was the highest award so far—180 million dollars. Sir, there is another case. If I am permitted to refer to it, that was again of a multinational—Dolwn Shields a company which was making family planning devices. The women, those who were affected adversely, filed suits and claims. There were various awards given by the courts, when the punitive damages were awarded. The Company filed bankruptcy. And this bankruptcy plea is resorted to by various multinationals. So, this is what the history so far has been, how cleverly the multinationals have defeated even the legal procedures, how they have avoided giving compensation to the affected people.

contained in the Supreme Court order,

we must not forget the background. We must not forget the fact that here in this case there were reasonable bases on which the highest court of this country has arrived at this figure. Continuity has been there; it has acted on the basis of the records which were placed before it. It had before it not only the proceedings which were there before the U.S. courts but also the proceedings, or the pleadings before the Indian courts. My friends on the other side have themselves referred that thick volumes were presented. Data was there; record was there and the only concern was that relief reaches the people. There have always been two that opinions about the amount. There is no guarantee that even if we had kept on fighting for long time before the U.S. courts, we could have got more. I do not know. What Vajpayjee was saying was contested by Mr. Bhandare about the highest amount offered by them then. I am not aware because nobody talked to me. So I do not know who offered how much to whom. I only have to go by the information contained in the records.

Sir, I feel very strongly about what had happened. I am also concerned and pained. But I am also equally concerned about whether they get some relief in their lifetime or not. What has been said here would have led to an endless wait. What is the use of that litigation which does not provide justice or relief ? Here a legal precedent has been created against the multinational. Jurisdiction of the Indian court has been established liability of the Union Carbide has been established and also payment has been ensured....(*Interruptions*). Sir, what we are seeing here is a repeat performance on various other occasions beacuse when the Government does something, they say why it is being done and when it does not do that, they say why it was not done. अगर किया तो क्यों किया, नहीं किया तो क्यों नहीं किया, दोनों वक्त में बुरा A friend of mine, my colleague, Mr. Mirza Irshadbaig had said once in the House, if I remember it correctly,.....

THE VICE-CHAIRMAN (SHRI JAGESH DESAI) : Do you want him to repeat ?

श्री आनन्द शर्मा: बनाओ तो शोर, ना बनाओ तो मातम। यहां तो यही है वहां की अदालत में गये... Relief is reaching the people. The Government I think is competent enought to ensure that the relief is properly disbursed. But some friends on that side are agitating in the streets and shouting from platforms because of the lengthening shadow of the forthcoming elections. So everything is being politicised. They would have said that even after five years we have got nothing. But now victims have got something and they are saying that we got very little. This is the true motive and I would appeal to them, to *my friends on the other side that when* the facts are there before them, they must not create a situation where people's faith in the Indian judiciary, in the highest court of this land is shaken. You must not cast aspersions, even insinuations.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): That has not been done. This is what I think.

SHRI ANAND SHARMA: It is not in the larger interest.

SHRI M. A. BABY: In any case, elections have been lost by them.

SHRI ANAND SHARMA: This will not help either this side or that side. It will not be in the interest of the country. We must only ensure now that the rehabilitation and welfare of the affected people is speeded up and the relief reaches them.

SHRI SUKOMAL SEN: Sir, I have very carefully listened to the two speakers from the ruling benches. They have taken great pains to offer an indefensible defence, but I can only take pity on their performance, nothing more than that. Sir, four years back this gravest industrial accident tooks place in our country, but what has happened recently, on 14th of this month? That disaster was caused by the U.S. multinational company, but now another disaster has been caused, further

insult has been added to the injury, not by the U.S. multinationals but by our Government itself.

Sir, many speakers have said that it is a sell-out. It is a complete sell-out, a brazen sell-out of the interests not only of the unfortunate victims of Bhopal but of the whole country. In fact, I feel that this is one of the biggest scandals committed by this Government in the recent past. It is one of the biggest scandals. Some may raise an accusing finger that I am casting insinuations, but it is not so. I feel, our countrymen feel that perhaps a kickback of a bigger dimension than that of Bofors is involved in the so-called settlement. (*Interruptions*) It is the biggest political phenomenon in the country.

SHRI ANAND SHARMA: I must make a small observation. I thought my Marxists friends had some ideology, but I never thought that their ideology was to carry out malicious propaganda also. (*Interruptions*)

SHRI M. A. BABY: There is nothing wrong if it is for the genuine services.

SHRI SUKOMAL SEN: I am saying so because I have some justification. Now the Government of India has settled with the Union Carbide over a paltry sum of 475 million dollars. The claim initially was for 3300 million dollars. Is it not a fact? It is a fact? The Union Carbide offered 350 million dollars. The Indian Government rejected that offer. Then there was an out-of court offer of about 615 million dollars. That was also rejected on the plea that it was devoid of reason and logic. That was the plea taken by the Government of India then when out-of court settlement was mooted. Now, all of a sudden, they have settled over this paltry amount.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): When they felt that it might take a very long time, they might have come to this settlement.

SHRI SUKOMAL SEN: Why do you want to repeat this argument? It has been said by Shri Bhandare also. Now this paltry amount of 470 million dollars is only 15 per cent of the original claim. Why has there been such a sudden and steep climb down in such a way? There must be some reason for this. Not only that, what is the Supreme Court order? They say—and I quote:

> "The settlement shall finally dispose of all past, present and future claims, cause of action and civil and criminal proceedings of any nature pending by all citizens and all public and private entities, with respect to all past, present and future deaths, personal injuries, health effects, compensations, losses, damages and civil and criminal complaints of any nature whatsoever."

So you can see the dimension of this order.

Sir, you know that on 1st December, 1987, this Government, through CBI, filed a case before the Judicial Magistrate of Bhopal against Mr. Warren Anderson, the Union Carbide Chairman, and eight Indian officials of the Indian subsidary at Bhopal. On what charge? On the charge of culpable homicide. And the court declared Mr. Anderson as an absconder. That was the attitude of Government of India on 1st December, 1987. Now through this settlement, to which Government of India has agreed, they say, all criminal proceedings are quashed and extinguished. Only 1½ years back, the charge of culpable homicide was brought against them. Mr. Warren Anderson was declared an absconder. And now you quash every thing. What is the reason? If it is not a kick-back or something, then what else is the reason for this mystifying settlement? It was shocked the countrymen. I am ashamed that the ruling party Members, instead of having a biting of their conscience, are coming forward in defence of this settlement. They, in the initial stages, even tried to stall the discussion on this issue. This is the extent of

degeneration that has taken place in the ruling party.

I am not going to dilate on other issues, but what is the result? What does Union Carbide say? It is happy. Newspapers are coming out with comments. I am not going to quote them as I do not want to take much of your time, but they say that all quarters in America are feeling happy over the settlement. The Union Carbide is on record saying that it is a good compromise. Then what is the comment of the Washington Post on the judgement regarding Bhopal case settlement? They say, really life in India is very much cheaper. The Washington Post says that life is very much cheaper in India and our Congress members are coming in defence of this settlement!

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): No, no, let the record be straight.

THE SUKOMAL SEN: Sir, why do you defend them?

THE VICE- CHAIRMAN(SHRI JAGESH DESAI): I am not defending them. Both of them said that they were not happy with the amount of compensation. Both of them have made it clear. Let the record be clear.

SHRI SUKOMAL SEN: They cannot say, "we are happy", because if they say so on the floor of Parliament, all of them are bound to be thrown out. People will throw them into the Indian Ocean. Therefore, they dare not say that they are happy.

Sir, it is not only betrayal of the interests of Indian people, it is not only betrayal of these unfortunate victims, it is betrayal of the interests of the entire Third World countries' people. There is always a difference between the standard of life and value of life in the West and in the Third World countries. I can cite one example. In the United States itself, there was a case, almost a similar one, which was not of this dimension but of a small dimension, of Menville Corporation. People suffered a long damage from asbestos. That Corporation had to pay 2.5 billion dollars to 60,000 victims. It was $2.5 billion, not million. Now, what is the number of victims in India? Who can say that only 60,000 victims are in India? Generation after generation, people will be victimized, people will suffer. Nobody knows how many generations will suffer from inhalation of MIC.

6.00 P.M.

There is another case. In the same United States, another company, A.S. Robinson, had to pay $520 million to only 9,450 victims of gas poisoning. That is the Western standard. When it comes to Indian standards, it is only $470 for more than 3,300 dead, according to Government statistics, and more than 60,000 people affected by gas inhalation. Nobody knows how many generations will suffer. Meanwhile, apart from 3,300 people dying at that time, within four years many more people have died—of which the Government has got statistics. This is how the multinational has won a victory and how the Government went in abject surrender to this US multinational. Is it not a sellout? Is it not compromising the sovereignty of the country? It is. We could have taught a lesson to the multinational, we could have taken up the issue with the US Government. But we had to settle in this manner.

Now I would like to say that through this so-called settlement, Government has come out in its true colours, that the interests of the country and the countrymen are not safe in the hands of the Government. It can surrender their interests at any moment in its self-interest and what that self-interest is, you know very well. Now they are taking shelter under judicial pronouncement. Basically it is a settlement between Union Carbide and the Government of India. The Supreme Court has given a Consent Order. Why did not the Government of India object to it? Why did they agree to it? What did Mr. K. Parasaran, the Attorney-General, say? He said, "Now, through this case I have come to know what a multinational is." If you know what a multinational is, then why did you agree? You are taking shelter under the judiciary.

Somebody has said that we should not impute motives to the judiciary. Sir, is it a fact that by giving consent to this agreement, our judiciary has done a great disservice to the people of India? Not only the people of India but the whole world has said it. People in the world know.

SHRI VISHVJIT P. SINGH: I protest very strongly against this.

...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): He has said, "disservice."

SHRI VISHVJIT P. SINGH (Maharashtra): Are you interested in destroying institutions of this country?

SHRI SUKOMAL SEN: No, I am not. What I say is that by this consent, the highest judiciary of the country has lowered its image before the people. You go into the streets and see what the people are saying about the judiciary. They are cursing the judiciary. They are staging a *dharna* before the Supreme Court. Thousands of Bhopal victims have come to Delhi and they are staging a *dharna* before the Supreme Court. You go there and ask them what they are saying about the Supreme Court's consent or so-called judicial pronouncement. The judiciary will lose its credibility before the people and that is a dangerous portent for a democratic setup.

SHRI VISHVJIT P. SINGH: How can he criticize... *(Interruptions)*...

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): No, no. He has not criticized. So many times we make comments on judgements and he has made on these lines. ...(*Interruptions*)...

SHRI PAWAN KUMAR BANSAL (Punjab): Commenting upon a judgment is a different thing. He is ridiculing the judiciary as such. ...(*Interruptions*)...

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): It is not so. If you feel like that, I will see the record and set it right. I don't think so.

...(*Interruptions*)...

SHRI DIPEN GHOSH (West Bengal): You have surrendered the cause of the people and now you are making us responsible.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Please conclude now.

SHRI SUKOMAL SEN: I conclude now.

SHRI DIPEN GHOSH: How much Kickback has been received in this case, tell us.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): You understand everything like that only.

SHRI SUKOMAL SEN: I am going to conclude now.

I want to say, in view of the manner in which the Government of India has surrendered the interests of the unfortunate victims of Bhopal to the U.S. multinational, the manner in which they have sacrificed the country's interests, the interests of the third world countries, this Government, after this settlement, has no moral right to continue. This Government must resign forthwith.

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Now the House stands adjourned and again will meet on Thursday, the 23rd February, 1989 at 11-00 A.M.

The House then adjourned at six minutes past six of the clock till eleven of the clock on Thursday, the 23rd February, 1989.